

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAMIEN DARNELL HARRIS,

Plaintiff,

v.

MIKE OBENLAND,

Defendant.

CASE NO. 3:15-cv-05191-RJB

ORDER ON PETITIONER'S  
MOTION TO COMPEL,  
PETITIONER'S MOTION TO  
EXPAND RECORD, PETITIONER'S  
SECOND MOTION TO EXPAND  
THE RECORD; AND  
PETITIONER'S MOTION TO  
APPOINT COUNSEL

THESE MATTERS come before the Court on Petitioner's Motion to Compel (Dkt. 42), Petitioner's Motion to Expand Record (Dkt. 46), Petitioner's Second Motion to Expand Record (Dkt. 50), and Petitioner's Motion to Appoint Counsel (Dkt. 49). The Court has considered the pleadings and the remainder of the file herein.

(1) Petitioner's Motion to Compel (Dkt. 42)

Petitioner seeks 8 "Attachment/Exhibits," that should be compelled "if and when it is needed by the Court to determine this case[.]" Dkt. 42, at 1. Upon review of the 8 documents

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1 Petitioner refers to, the Court sees no clear, articulable need for these documents, so this motion  
2 should be denied.

3 (2) Petitioner's Motion to Expand Record (Dkt. 46)

4 Petitioner seeks to expand the record "by submitting trial counsels motions to suppress  
5 search warrant 08-158 (safe deposit box)[sic]." Dkt. 46, at 1. According to Petitioner, the  
6 Respondent and the Magistrate Judge incorrectly confuse two warrants, Warrant 08-148 and  
7 Warrant 08-152, and Petitioner believes that expanding the record will resolve the confusion.

8 The Court will address Petitioner's concern in its Order on Report and Recommendation.

9 (3) Petitioner's Second Motion to Expand Record (Dkt. 50)

10 Petitioner seeks to expand the record "with trial counsel's motions for a franks hearing  
11 and motion for suppression[sic]." Dkt. 50, at 1. The Court will address Petitioner's concern in its  
12 Order on Report and Recommendation.

13 (4) Petitioner's Motion to Appoint Counsel (Dkt. 49)

14 Petitioner requests counsel to represent him because "Petitioner feels he will not get a fair  
15 assessment of his search warrant argument." Dkt. 49, at 5. Petitioner appears frustrated that both  
16 the Magistrate Judge and the Respondent "mix[ed] up the search warrants at issue," conflating  
17 proceedings for Warrant 08-152 with proceedings for Warrant 08-158. The Court will address  
18 Petitioner's concern in its Order on Report and Recommendation.

19 Petitioner also requests counsel "should the District Court deny this petition," but the  
20 proceedings in this case are still pending, so the case is not yet before the Ninth Circuit. Even if  
21 the proceedings in this case were not still pending, whether Petitioner should be given counsel  
22 for a Ninth Circuit appeal is not an issue properly raised before this Court.

Robert Bryan

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